

ORDINANCE NO. 48-973

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE AQUIFER RECHARGE AND STORAGE PROJECT IN SEDGWICK COUNTY AND HARVEY COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF HARVEY COUNTY, KANSAS AND IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the Aquifer Recharge and Storage project in Sedgwick County and Harvey County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

The East 466.69 feet of the South 466.69 feet of the NE ¼, Section 35, T24S, R2W of the Sixth Principal Meridian, Harvey County, Kansas. Said tract contains 5.00 acres, more or less, including existing road Right-of-Way.

And permanent easements for the purposes herein described in and to the following-described tracts, to-wit:

A permanent easement for the purpose of constructing, operating, maintaining, inspecting and repairing a pipeline for the transmission of water and associated uses over an 85.5 feet wide strip of land lying on the left side (northeasterly side) of a line described as: Commencing at the northeast corner of the South half of the Northeast Quarter of Section 35, Township 24 South, Range 2 West of the Sixth Principal Meridian, Harvey County, Kansas; thence along the north line of the South half of said Northeast Quarter on an assumed bearing of S89°33'17"W, 1487.18 feet; thence S00°36'57"E, 1256.61 feet along the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter to the Point of Beginning; thence S42°55'57"E, 90.32 feet to the Point of Termination, said point lying on the south line of said Northeast Quarter and lying S89°29'01"W, 1423.95 feet from the southeast corner of said Northeast Quarter. Said tract contains 0.35 acres, more or less.

The sidelines of the above described strip of land are to be shortened or lengthened to form continuous lines on the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter and the south line of said Northeast Quarter and

A permanent easement for the purpose of constructing, operating, maintaining, inspecting and repairing a pipeline for the transmission of water and associated uses over an 85.5 feet wide

strip of land lying on the left side (northeasterly side) of a line described as: Commencing at the northwest corner of the Southwest Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 2 West of the Sixth Principal Meridian, Harvey County, Kansas; thence along the north line of the Southwest Quarter of said Northeast Quarter on an assumed bearing of N89°33'17"E, 9.97 feet to the Point of Beginning; thence S42°55'57"E, 1704.04 feet to the Point of Termination; said point lying on the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter being S00°36'57"E, 1256.61 feet from the north line of the Southwest Quarter of said Northeast Quarter and 165.00 feet west of the southeast corner of the Southwest Quarter of said Northeast Quarter. Said tract contains 3.18 acres, more or less.

The sidelines of the above described strip of land are to be shortened or lengthened to form continuous lines on the north line of the Southwest Quarter of said Northeast Quarter and the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter and

A permanent easement for the purpose of constructing, operating, maintaining, inspecting and repairing a pipeline for the transmission of water and associated uses over a 60.5 feet wide strip of land lying on the left side (northeasterly side) of a line described as: Commencing at the northwest corner of the south half of the Northwest Quarter of Section 17, Township 25 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas; thence on an assumed bearing of N89°14'27"E, 1381.09 feet along the north line of said south half to the Point of Beginning; thence S45°13'29"E, 1814.40 feet to the Point of Termination, said point being on the east line of said south half and lying S00°47'42"E, 2622.57 feet from the northeast corner of said Northwest Quarter. Said Tract contains 2.44 acres, more or less.

The above easement adjoins the southwesterly side of an easement described in Condemnation Case No. 104,110 and recorded in Miscellaneous Book 150, Page 1.

The sidelines of the above described strip of land are to be shortened or lengthened to form continuous lines and to terminate on the north line of said south half and on the east line of said south half.

And temporary construction easements for the purpose of constructing, maintaining, and repairing utilities, over, along and under the following described real estate situated in Harvey County, Kansas, to wit:

A temporary construction easement over a 75 feet wide strip of land lying on the right side (southwesterly side) of a line described as; Commencing at the northwest corner of the Southwest Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 2 West of the Sixth Principal Meridian, Harvey County, Kansas; thence along the north line of the Southwest Quarter of said Northeast Quarter on an assumed bearing of N89°33'17"E, 9.97 feet to the Point of Beginning; thence S42°55'57"E, 1704.04 feet to the Point of Termination said point lying on the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter being S00°36'57"E, 1256.61 feet from the north line of the Southwest Quarter of said Northeast Quarter and 165.00 feet west of the southeast corner of the Southwest Quarter of said Northeast Quarter. Said tract contains 3.04 acres, more or less.

The sidelines of the above described strip of land are to be shortened or lengthened to form continuous lines on the north and south lines of the Southwest Quarter of said Northeast Quarter and on the north line of the Southeast Quarter of the Northwest Quarter and on the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter and

A temporary construction easement over a tract of land described as: Commencing at the northeast corner of the South half of the Northeast Quarter of Section 35, Township 24 South, Range 2 West of the Sixth Principal Meridian, Harvey County, Kansas; thence along the north line of the South half of said Northeast Quarter on an assumed bearing of S89°33'17"W, 1487.18 feet; thence S00°36'57"E, 1256.61 feet along the west line of the east 165.00 feet of the

Southwest Quarter of said Northeast Quarter to the Point of Beginning; thence S42⁰55'57"E, 90.32 feet to the south line of said Northeast Quarter; thence S89⁰29'01" W, 60.81 feet along the south line of said Northeast Quarter said point being 165.00 feet west of the southwest corner of the Southeast Quarter of said Northeast Quarter; thence N00⁰36'57" W, 66.68 feet along the west line of the east 165.00 feet of the Southwest Quarter of said Northeast Quarter to the Point of Beginning. Said tract contains 0.05 acres more or less.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas and the District Court of Harvey County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 22nd day of, March 2011.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law